IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 14415 of 2005

Between:

R.Jyothi Bai W/o.Late R.Rajasagaran
R/o.25-4-382, Vishnupuri, Kazipet,

Warangal, Warangal District.

..... PETITIONER

AND

1 The Municipal Corporation of Warangal rep by its Commissioner,

Warangal, Warangal District
2 D.Jayaprada W/o.Sambaiah
R/o.25-4-381, Vishnupuri Kazipet,. Warangal Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one nature of writ of mandamus declaring the action of the 1st respondent in not taking any steps on the representations made by the petitioner dt.4.5.2005, 20-5-2005, 14.6.2005 and 17.6.2005 for closure of the septic tank of the 2nd respondent in the premises No.25.4.381, Vishunpuri Colony, Kazipet, Warangal District as it is causing permanent nuisance and contaminating drinking water as illegal, arbitrary and violation of Article 21 of the Constitution of India and Sec 328 and 331 of Hyderabad Municipal Corporation and it is further consequently prayed that this Hon'ble Court may be pleased to direct the 1st respondent to take steps forthwith for closure of the septic tank and to pass such other order or orders.

Counsel for the Petitioner: MR.J.VENKATESWARA REDDY

Counsel for the Respondent No.1: MR.V.DURGA NAGESWARA RAO

The Court at the stage of admission made the following:

ORDER:

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Seeking a Writ of Mandamus, declaring the inaction of the 1st respondent in taking any steps on the representations made by the petitioner dated 04.05.2005, 20.05.2005, 14.06.2005 and 17.06.2005 for closure of the septic tank of the 2nd respondent in the premises No.25-4-381, Vishnupuri Colony, Kazipet, Warangal District, as it is causing permanent nuisance and contaminating drinking water, as illegal and arbitrary, the present writ petition is filed.

It is stated that the petitioner is the absolute owner of the house bearing No.25-4-382 sitauted at Vishunupuri colony, Kazipet, Warangal and she got dug a well in her premises in the year 1979 with the permission of the 1st respondent, which is being used for drinking and other domestic needs. The 2nd respondent, being adjacent neighbour of the petitioner, has been proposing to construct a septic tank within a distance of three feet to the well of the petitioner, which would cause contaminate the water of the well of the petitioner. The petitioner made several representations to the 1st respondent, requesting to get stop the construction of septic tank by the 2nd respondent, but the 1st respondent did not take any steps. Hence the petitioner is constrained to approach this Court through this writ petition.

Heard the learned Counsel for the petitioner and the learned counsel for the 1st respondent.

Admittedly, the representations made by the petitioner are pending consideration before the 1st respondent and the 1st respondent has to pass appropriate orders thereon in accordance with law.

In view of the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the 1st respondent to consider and pass appropriate orders on the representations of the petitioner dated 04.05.2005, 20.05.2005, 14.06.2005 and 17.06.2005, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

With the above directions, the Writ Petition is disposed of. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 05.07.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner,

The Municipal Corporation of Warangal,

Warangal, Warangal District

2. Two CD copies

3. 1 CC to MR.VENKATESWARA REDDY